

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 11987 of 2022

Dukhishyam Pradhan

....

Petitioner

Mr.Mohendra Ku.Mohapatro, *Advocate*

-versus-

State of Odisha

....

Opposite Party

***Mr.M.S.Rizvi, Standing Counsel
for Vigilance.***

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.09.2022

Order No.

2.
 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for the Petitioner, learned Standing Counsel for the Vigilance department. Perused the records.
 3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 13(2) read with 13(1)(a) of P.C.(amendment) Act, 1988 and Section 409, 468, 120-B of the Indian Penal Code.
 4. It is submitted by the learned counsel for the Petitioner that the Petitioner was the Ex-P.E.O. of Silva G.P. It is submitted by the learned counsel for the Petitioner that while he was PEO, under Central Government Scheme, the Panchayat was required to supply water to the water scarcity villages. It is alleged in the F.I.R. that no water was supplied although money was paid for the aforesaid purposes. It is specifically alleged that several documents were forged by the husband of Ex-Sarpanch. He further submits that

although occurrence is of the year 2018 F.I.R was registered in the 2022. Further, he submits that there are ample materials on record to establish that no water was supplied although money has been paid and he alleged that money has gone to Ex-Sarpanch.

5. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however, it is observed that in the event the Petitioner surrenders and move for bail before the learned Special Judge(Vigilance), Bhawanipatna in Vigilance G.R.Case No.04 of 2022 arising out of Koraput Vigilance P.S.Case No.22 of 2022 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Special Judge may deem just and proper in the facts and circumstances of the case, but subject to the condition that the Petitioner shall secure the amount which is alleged to have been misappropriated amounting to Rs.6,42,000/- by furnishing a bank guarantee of Rs.5,00,000/- (Rupees Five lakhs) in the court in seisin over the matter which shall be final outcome of trial.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions:

- i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.
- ii) He shall also appear before the trial court on each and every date fixed.
- iii) He shall not tamper with the prosecution evidence and threaten, influence or terrorise the witnesses in any manner whatsoever, while on bail.

Violation of any of the conditions shall entail cancellation of

bail of the Petitioners.

5. The ABLAPL is disposed of accordingly.
6. A free copy of this order be supplied to Mr.Rizvi, learned Standing Counsel for Vigilance department.
6. Issue urgent certified copy of the order as per Rules.

RKS

(A.K. Mohapatra)
Judge

